

REFERENCE TITLE: national guard mobilization; border; appropriation.

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1296**

Introduced by  
Senator Harper

AN ACT

AMENDING SECTION 26-172, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION;  
RELATING TO THE NATIONAL GUARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 26-172, Arizona Revised Statutes, is amended to  
3 read:

4           26-172. Emergency mobilization: requests by municipalities for  
5                   aid of national guard: mobilization into United  
6                   States service

7       A. When the governor proclaims an emergency, or deems it necessary to  
8 protect lives or property, the governor may mobilize all or any part of the  
9 national guard or the unorganized militia into service of the state. The  
10 order directing the national guard or the unorganized militia, or any part  
11 thereof, to report for active duty shall state the purpose for which it is  
12 mobilized and the objectives to be accomplished. **IF THE GOVERNOR DECLARIES**  
**THAT A STATE OF EMERGENCY EXISTS FOR THE PROTECTION OF THE LIVES AND PROPERTY**  
**OF CITIZENS OF THIS STATE RESULTING FROM AN INCREASE IN UNAUTHORIZED BORDER**  
**CROSSINGS AND THE RELATED INCREASE IN DEATHS, CRIME AND PROPERTY DAMAGE, THE**  
**GOVERNOR SHALL MOBILIZE THE NATIONAL GUARD TO ADDRESS THE EMERGENCY.**

13       B. The adjutant general shall issue orders for mobilization, appoint  
14 troop commanders and act as chief of staff to the governor. The adjutant  
15 general **shall**, with consent of the governor and in the name of the adjutant  
16 general, **SHALL** issue orders designating local commanders, giving tactical and  
17 administrative instructions, and defining the objectives of each mobilized  
18 unit.

19       C. The civil authorities of a county or municipality requiring aid of  
20 the national guard to quell any riot, insurrection or other civil disturbance  
21 shall submit to the governor a written request for aid, setting forth the  
22 particular object to be accomplished and the area affected. Upon receipt of  
23 the request the governor may by proclamation mobilize all or any part of the  
24 national guard or the unorganized militia, and the governor shall designate  
25 the adjutant general or an officer of the national guard to take command of  
26 the troops mobilized and to designate the troops to be used.

27       D. To request assistance of the national guard, or the unorganized  
28 militia, or any part thereof in a search or rescue operation involving the  
29 life or health of any person, the sheriff or other officer of a political  
30 subdivision who is conducting the search or rescue operation shall by the  
31 most rapid and suitable means of communication available convey the need to  
32 the state director of emergency management for transmittal to the governor.  
33 If the governor grants the request the sheriff or other officer **shall**, within  
34 two days, **SHALL** transmit a written confirmation of the request to the  
35 governor.

36       E. If the president of the United States directs mobilization of the  
37 national guard into the armed forces of the United States, the adjutant  
38 general shall effect the mobilization speedily and in the manner  
39 prescribed. Upon mobilization into the armed forces of the United States,  
40 the national guard shall pass to federal control and shall not be subject to  
41 military laws of the state until the time it reverts to control of the state.

1           Sec. 2. Appropriation: national guard mobilization: exemption

2           A. The sum of \$5,000,000 is appropriated from the state general fund  
3 in fiscal year 2006-2007 to the department of emergency and military affairs  
4 for payment of expenses incurred by the national guard pursuant to any  
5 mobilization due to a declaration by the Governor relating to the protection  
6 of Arizona lives and property resulting from an increase in unauthorized  
7 border crossings and the related increase in deaths, crime and property  
8 damage, including any declaration issued on or after August 15, 2005.

9           B. The appropriation made in subsection A of this section is exempt  
10 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
11 lapsing of appropriations.